

56. 10.08.2021  
Ct.32  
SB

C.R.M. 3900 of 2021

**Allowed**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.06.2021 in connection with Krishnanagar-Kotwali Police Station Case No. 136/2021 dated 13.02.2021 under Sections 302 & 34 of the Indian Penal Code.

And

In the matter of: - Uttam Banerjee @ Beji Buro

Mr. Sumanta Das ...for the petitioner.

Mr. Sudip Ghosh  
Mr. Bitasok Banerjee ...for the State

The petitioner is one of the two accused persons. The charge is of murder. The petitioner says that he has been in custody for about 162 days. Charge-sheet has been filed.

We have seen the material in the case diary. It prima facie appears that the victim and the petitioner and other accused persons had an altercation under the influence of liquor and the incident took place. The victim succumbed to the injury that he suffered during such altercation.

Considering the material in the case diary including the statements of witnesses recorded under Section 161 of the Criminal Procedure Code and the nature and gravity of the charges against the petitioner as also the fact that the charge sheet has already been filed, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Krishnanagar, Nadia, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 3900 of 2021 is, accordingly, allowed.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**